

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

Bail Appl..No. 4469 of 2007()

CRIME NO.203/07 OF BINANIPURAM POLICE STATION
.....

PETITIONER

KUMARAN, AGED 40 YEARS, S/O.KANDARI,
MADATHIPARAMBIL HOUSE, CHIRAYINKARA,
ALANGAD VILLAGE.

BY ADV. SRI.B.PREMOD

RESPONDENTS:

THE SUB INSPECTOR OF POLICE,
BINANIPURAM POLICE STATION, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY P.P. SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 26/07/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

B.A. NO.4469 OF 2007

Dated this the 26th day of July, 2007

ORDER

Application for anticipatory bail. The petitioner is the 1st accused and the husband of the de facto complainant. A crime has been registered, inter alia, under Sec.498A of the IPC. The crime is registered on the basis of a private complaint filed before the learned Magistrate and referred to the police by the learned Magistrate under Sec.156(3) of the Cr.P.C. Investigation is in progress. The petitioner apprehends imminent arrest. The co-accused have already been granted anticipatory bail by the learned Sessions Judge. The marriage took place on 2/7/06. A child is born in the wed-lock.

2. The petitioner in this petition prays, the learned Public Prosecutor does not raise any objection, I am satisfied, in the facts and circumstances briefly indicated above, that

anticipatory bail can be granted to the petitioner. In coming to this conclusion, I take note of the fact that there is no allegation of any physical cruelty resulting in any injuries. I do further take note of the fact that the arrest and incarceration of the petitioner is likely to mar the matrimonial relationship beyond repair. Subject to appropriate conditions, anticipatory bail can be granted to the petitioner, in these circumstances.

3. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioner shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 2/8/07. He shall be released on regular bail on his executing a bond for Rs.25,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 3/8/07 and 4/8/07 and thereafter on all Mondays between 10 a.m. and 12 noon for a period of one month. Subsequently, he shall so make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioner does not appear before the learned

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Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

(iv) If the petitioner were arrested prior to his surrender on 1/8/07 as directed in clause (i) above, he shall be released on his executing a bond for Rs.25,000/- without any sureties undertaking to appear before the learned Magistrate on 1/8/07.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge

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